

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2286 - HB 2834**

February 23, 2022

**SUMMARY OF BILL:** Prohibits state and local law enforcement agencies from obtaining, retaining, accessing, or using any face recognition system or any information obtained from a face recognition system. Establishes that any data or information collected or derived from any use of face recognition technology is inadmissible in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other state or local authority. Establishes that any data or information collected using face recognition technology or derived from such data or information shall be considered unlawfully obtained and must be irretrievably deleted from any document in possession of the state or in any court file or filing upon discovery.

Establishes that a person aggrieved by a violation of the proposed legislation may file for injunctive relief, declaratory relief, or writ of mandamus in any court of competent jurisdiction. Establishes that a person who has been subjected to face recognition technology or about whom information has been obtained, retained, accessed, or used in violation of the proposed legislation, may file an action in any court of competent jurisdiction against the law enforcement agency that used the face recognition system or the agency that obtained, retained, accessed, or used the information, and is entitled to recover actual damages. Requires the court to award costs and reasonable attorneys' fees to a plaintiff who is the prevailing party in any such actions brought.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Prohibiting law enforcement agencies from acquiring or utilizing face recognition systems, or information obtained or derived from such systems, is not estimated to have a significant impact on operations of state or local law enforcement agencies.
- It is assumed that state and local law enforcement agencies will comply with the requirements of this legislation and that such compliance will preclude any court filings or awarding of damages that would result in an increase in expenditures to the either the courts or law enforcement agencies; therefore, any fiscal impact to state or local government is estimated to be not significant.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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